

## **REMARKS/ARGUMENTS**

Applicant believes that the interpretation of the MPEP 201.03(II) (B) and the subsequent rejection of the as-submitted Oath & Declaration is in error; and asks, in the interest of justice, that the Oath & Declaration be accepted.

Upon review of the MPEP paragraph cited by the Notice, “*Where individual declarations are executed, they must be submitted as individual declarations rather than combined into one declaration. For example, where the inventive entity is A and B, a declaration may not be executed only by A naming only A as the inventor and a different declaration may not be executed only by B naming only B as the inventor, which two declarations are then combined into one declaration with a first page of boiler plate, a second page with A's signature, and a second page with B's signature (so that it appears that the declaration was executed with the entire inventive entity appearing in the declaration when it did not).*

In contrast with the example declaration cited in MPEP, Applicants’ oath and declaration was sent to three inventors in different locations; each inventor reviewed the first and second pages of the two-page declaration; the signature page had all three inventors’ names, addresses, and other required information. Please refer to attached copy of the signed Oath & Declaration. Thus, each inventor was made aware of and could confirm co-inventorship. Reinhard Buchhold and Michael Doescher signed the Oath & Declaration together; Stefan Butzmann signed the Oath & Declaration separately. All inventors reviewed the requisite document. The form they had signed did not only name each inventor separately—all three names were present. Therefore, Applicants’ believe that the requirements for a proper Oath & Declaration had been met.

Applicants request that the Notification of Defective Response be withdrawn and that the applicant be permitted to move forward for examination.

If fee is required for review of this response, authorization is granted to charge deposit account 50-4019.

Respectfully submitted,

Date: 19-SEP-2008

By /Peter Zawilska/  
Peter Zawilska  
Registration No. 43,305  
(408) 474-9063

Correspondence Address:

Intellectual Property & Licensing  
**NXP, B.V.**  
1109 McKay Drive; Mail Stop SJ41  
San Jose, CA 95131 USA

CUSTOMER NUMBER: 65913